(4)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR: CHHATTISGARH

Single Bench

MISC. APPEAL (C) NO. 27 OF 2006

MISCELLANEOUS APPEAL UNDER SECTION 30 OF WORKMEN'S COMPENSATION ACT, 1923

Appellant
Non-Applicant No. 3

United India Insurance Company, through the Branch Manager, United India Insurance Company, Anupama Chowk, Jagdalpur, Distt. Bastar (CG)

Versus

Respondents

1. Deepa @ Hardeep Singh, S/o Mahattar Singh, aged about 38 years, Caste - Sikh (Driver), R/o Gangamundapara, Jagdalpur (CG)

2. Mohan Chahil, S/o Mahattar Singh, (Vehicle Owner) R/o Gangamundapra, Jagdalpur (CG)

(Non-applicants No. 1 & 2)

3. Smt. Sadhna Yadav, W/o Late Premlal Yadav, aged about 35 years, Caste - Raut,

4. Ku. Durga Yadav, D/o Late Premlal Yadav, aged about 19 years

5. Manoj Yadav, S/o Late Premlal Yadav, aged about 15 years
(Minor through mother)

- All R/o Behind Mahatma Gandhi School, Gangamundapara, Jagdalpur, Distt. Bastar (CG)

(Claimants)

P.R. No. 2239/06 Presented by Shri Sanjay Agrawal dated 05/12/06

CLAIM IN APPEAL FOR SETTING ASIDE THE AWARD VALUED AT RS. 2,76,255 (RUPEES TWO LACS SEVENTY SIX THOUSAND TWO HUNDRED FIFTY FIVE ONLY

(Receipt, filed)

(21)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.A.(C.).27..... **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक एवं आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	11.09.2006 Shri Sanjay S. Agrawal, learned counsel for the appellant/Insurance Company. Heard on admission. The appellant has preferred this miscellaneous appeal under Section 30 of the Workmen's Compensation Act, 1923 as the award of Rs. 2,76,255/- has been passed against the appellant in favour of the respondents for the accident dated 10.8.2005 resulting in death of Premlal, driver of the vehicle involved in the accident. Learned counsel for the appellant submits that the only substantial question of law involved for adjudication of this appeal is that – whether under the facts and circumstances of the case the Insurance Company could be held liable, particularly when the alleged offending vehicle was being driven by two drivers instead of one in violation of the insurance policy? Learned counsel for the appellant further submits that it is not in dispute that the vehicle in question was being driven by two drivers and in view of the admitted position the vehicle was being driven in violation of the insurance policy which clearly states that the vehicle is to be driven by a single person, therefore, the above proposed substantial question of law arises for adjudication of this appeal. I have heard learned counsel for the appellant and have perused the impugned award passed by the learned Claims Tribunal.	

(22)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..M.A.(C)..27.... **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Learned Tribunal while deciding issue No. 6 and adjudicating the above objection has clearly held that this objection could not be sustained as the owner has engaged two drivers for convenience, which cannot be objected to by the Insurance Company since the compensation application relates to the legal heirs of only one deceased driver and no other application for compensation arising out of this accident has been filed by other driver, nor any petition is pending in any other Court. The above finding of the learned Tribunal is strictly in accordance with law and as per the evidence available before the Tribunal. In the light of above, the appeal preferred by the appellant/Insurance Company being devoid of substance deserves to be dismissed at the motion stage itself and is accordingly dismissed. Consequently, M.C.P.No. 1372/06 stands disposed of. **Sd/-** **Dhirendra Mishra** **Judge**	

Khan

P.T.O.